



Entered on Docket
March 03, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ROAM DEVELOPMENT GROUP,
LP LOAN**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6710]. Adequate notice of the Objection was given. The Court heard the Objection on February 20, 2009. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- The Proofs of Claim listed on Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted principal" arising out of the Roam Development Group, LP Loan that was owed to the claimant.
- The Proofs of Claim listed on Exhibit A attached are disallowed to the extent they were based upon an investment in the Roam Development Group, LP Loan that was repaid to the claimant.
- The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Roam Development Group, LP Loan;
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

###

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**ROAM DEVELOPMENT LOAN
FIFTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Roam Development Loan	Unremitted Principal	Approximate Amount Subject to Objection
10725-01649	Church of the Movement of Spiritual Inner Awareness	P.O. Box 513935 Los Angeles, Ca 90051	\$125,000.00	\$25,000.00	\$1,262.72	\$23,737.28
10725-02129	Cibb Inc. Pension Plan	Ronald A. Johnson Ttee 50 Snider Way Sparks, NV 89431	\$405,600.00	\$100,000.00	\$0	\$100,000.00
10725-02261	Cibb Inc. Pension Plan	Ronald A. Johnson Ttee 50 Snider Way Sparks, NV 89431	\$405,600.00	\$100,000.00	\$631.36	\$99,368.64
10725-02484	Ross Deller, Sr.	5796 Ambassador Ave #102 Las Vegas, NV 89122	\$200,000.00	\$120,000.00	\$1,515.26	\$118,484.74
10725-02063	James D. and Ann R. Dery	Husband and Wife 10 Longmeadow Ln Beachwood, OH 44122	\$2,793,347.72	\$100,000.00	\$631.36	\$99,368.64
10725-02068	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Ttee 727 3rd Ave. Chula Vista, CA 91910-5803	\$794,366.81	\$102,715.62	\$0	\$102,715.62
10725-02202	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	\$794,366.81	\$102,715.62	\$1,262.72	\$101,452.90
10725-00801	Freedom Properties Inc.	1820 Star Pine Ct. Reno, NV 89523-4807	\$450,000.00	\$50,000.00	\$631.36	\$49,368.64
10725-02143	Michael Freedus	2535 Lake Rd Delanson, NV 12053	\$711,624.20	\$100,000.00	\$631.36	\$99,368.64
10725-01541	Graham Family Trust Dtd 10/26/78	1460 Twinridge Road Santa Barbara, CA 93111	\$503,808.00	\$25,000.00	\$1,262.72	\$23,737.28